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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,657	09/03/2003	Charles L. Clay	130347	3432

7590

07/11/2005

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P.O. Box 1001  
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EXAMINER
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WILKENS, JANET MARIE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/653,657	Applicant(s) CLAY ET AL.	
	Examiner Janet M. Wilkens	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Objections***

Claim 1 is objected to because of the following informalities: it is improper for a claim to contain two periods. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton in view of Harper. Hamilton teaches a walker (Fig. 1) comprising: a first U-shaped member (12) with a first front leg (15) and first rear leg (16), a second U-shaped member (13) with a second front leg (15) and a second rear leg (16), a cross member (22,23) joining the front legs, a first castor (21) rotatably attached on the first front leg and facing the second front leg and a second castor (21) rotatably attached on the second front leg and facing the first front leg. Hamilton fails to teach that the front legs have a lower bracket and upper bracket thereon for holding a cane. Harper teaches a frame (Fig. 1) having a cane holder (70) thereon. The holder comprising a lower bracket (77) with a base and an annular flange and an upper bracket (78) with a resilient C-clip. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the walker of Hamilton by adding upper and lower brackets,

such as the brackets taught by Harper, on one of the front legs, to provide a place on the walker to hold a cane, umbrella, etc.

Claims 1, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gamm in view of Harper. Gamm teaches a walker (Fig. 1) comprising: a first U-shaped member (12) with a first front leg (14) and first rear leg (15), a second U-shaped member (13) with a second front leg (14) and a second rear leg (15), a cross member (19) joining the front legs, a first castor (35) rotatably attached on the first front leg and facing the second front leg and a second castor (35) rotatably attached on the second front leg and facing the first front leg. Gamm fails to teach that the front legs have a lower bracket and upper bracket thereon for holding a cane. Harper teaches a frame (Fig. 1) having a cane holder (70) thereon. The holder comprising a lower bracket (77) with a base and an annular flange and an upper bracket (78) with a resilient C-clip. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the walker of Gamm by adding upper and lower brackets, such as the brackets taught by Harper, on one of the front legs, to provide a place on the walker to hold a cane, umbrella, etc.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton in view of Harper as stated above for claims 1, 5 and 6 and further in view of Shaffer et al. As stated above, Hamilton in view of Harper teaches the limitations of claim 1 including castors on the front legs of the walker. Hamilton in view of Harper further teaches axial members (24) extending through the castors and into the legs. However, Hamilton in view of Harper fails to teach that the members are bolts and that these bolts

Art Unit: 3637

are inserted into screw bosses. Shaffer teaches castors having axial bolts (44) extending there through and through screw bosses (44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the attachment of the castor/leg structure of Hamilton in view of Harper by using an alternate means, i.e. using axial bolts and screw bosses there between, such as is taught by Shaffer, instead of the members presently used, since these means are functional equivalents and it appears that either means would work equally well between the legs and castors. Furthermore, the screw bosses of Shaffer would help provide a reinforced connection between the castors/legs and bolts.

#### ***Allowable Subject Matter***

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments filed April 18, 2005 have been fully considered but they are not persuasive.

Addressing the arguments that the references in combination fail to teach "removable" brackets/a holder apparatus on a walker: Although the disclosure of Harper is silent on this point, the examiner contends that the brackets of Harper would be removable from its apparatus and from the walkers of either Hamilton and Gamm. Any

Art Unit: 3637

component is removable from another, for example even if it would mean by using force, tools, etc to separate the members. Furthermore, the examiner argues that Harper's brackets teach the structural limitations found in claims 1 and 5. The positioning of the brackets on the structure of Harper being irrelevant. The brackets when applied on the structures of Hamilton or Gamm being positionable at any of a number of locations on the walker, as desired. Finally, as stated above, to add brackets/a holder apparatus onto the walkers of either Hamilton or Gamm would have been an obvious consideration, to provide a place on the walker to hold a cane, umbrella, etc.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

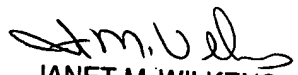
Art Unit: 3637

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens  
July 7, 2005

  
JANET M. WILKENS  
PRIMARY EXAMINER  
Art 3637